



## Legislative Council Staff

*Nonpartisan Services for Colorado's Legislature*

# Fiscal Note

**Drafting Number:** LLS 23-0464  
**Prime Sponsors:** Rep. Ortiz; Lieder

**Date:** April 21, 2023  
**Bill Status:** House Trans. & Local Govt.  
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**Bill Topic:** HOUSING ACCESSIBILITY

**Summary of Fiscal Impact:**

- |   |  |
|---|--|
| <input type="checkbox"/> State Revenue                | <input type="checkbox"/> TABOR Refund                |
| <input checked="" type="checkbox"/> State Expenditure | <input checked="" type="checkbox"/> Local Government |
| <input type="checkbox"/> State Transfer               | <input type="checkbox"/> Statutory Public Entity     |

The bill modifies the accessible housing standards and specifications required for any building or facility used as housing and requires all new residential construction projects to include a specified percentage of accessible dwelling units. The bill increases state and local expenditures beginning FY 2023-24

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** This fiscal note reflects the introduced bill.

## Summary of Legislation

**Accessible housing standards.** The bill modifies the accessible housing standards and specifications required for any permanent building or facility used as housing. Beginning July 1, 2023, all plans submitted to the Division of Housing in the Department of Local Affairs (DOLA) or to local building departments must conform to the standards, with limited exceptions. The bill requires that the alteration of walls or defining boundaries in housing must comply with minimum alteration requirements to the maximum extent possible. Any building that was under construction or undergoing alterations must comply by July 1, 2023.

**ADA requirements.** With limited exceptions, the bill requires that new residential construction projects or alterations include a specified percentage of dwelling units that conform with the ADA Standards for Accessible Design under the Federal Department of Justice (Type A) and the Fair Housing Accessibility Guidelines of the Federal Department of Housing and Urban Development (Type B).

**Violations and remedies.** Failure to construct accessible housing constitutes discrimination on the basis of disability, by both property owners and any construction professionals who participate in the noncompliant construction or alteration. A local government commits an unlawful and

discriminatory practice if it issues a building permit but fails to require an implementation plan, or otherwise ensure compliance with the construction or alteration requirements. An individual may bring a suit and is entitled to any court ordered remedy. Whenever the Department of Law (DOL) has probable cause to believe a violation has occurred, the department may bring civil action on behalf of the state.

**Court proceedings.** The bill authorizes the courts to extend the answer date in an eviction or foreclosure proceeding if the defendant requests a reasonable accommodation pursuant to an unfair housing practice.

## State Expenditures

**Department of Law.** The bill may increase workload in the DOL to bring civil actions in instance where probable cause exists that a violation has occurred. Since this enforcement is permissive, the department will assess any new complaints and prioritize actions based on consumer impact and available resources. No change in appropriations is required.

**Judicial Department.** The bill may also increase workload for the trial courts. The bill creates a new cause of action. This fiscal note assumes that construction professionals and local governments will comply with the law, and that the number of filings will be low, without the need for additional appropriations.

## Local Government

The bill increases costs for local governments to revise code and permitting functions of building departments. A local government building department may not issue permits for projects proposing multiple housing units without verifying the design compliance with ADA standards and ensuring the proper ratio of Type A and Type B dwelling units. These local government costs have not been estimated.

## Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## State and Local Government Contacts

Counties	Governor's Office	Judicial
Law	Legislature	Local Affairs
Regulatory Agencies		